In the Supreme Court of Bermuda

PRACTICE DIRECTION

ISSUED BY THE CHIEF JUSTICE

A/50

21 August 2026

CIRCULAR NO. 20 OF 2026

TO ALL ATTORNEYS:

CONDUCT OF CASES INVOVLING OFFENCES OF MONEY LAUNDERING AND TERRORIST FINANCING

1. Purpose

1.1 The purpose of this Practice Direction (which is made after consultation with the President of the Court of Appeal and the Senior Magistrate) is to ensure that all courts in Bermuda — the Magistrates' Court, the Supreme Court, and the Court of Appeal — give priority to the listing, case management, and determination of all matters involving money laundering **(ML)**, terrorist financing **(TF)**, and related proceeds of crime applications.

1.2 This Practice Direction forms part of Bermuda's national framework for combatting ML/TF and supports the work of the National Anti-Money Laundering Committee **(NAMLC)**, the Financial Intelligence Agency **(FIA)**, the Bermuda Police Service **(BPS)**, the Director of Public Prosecutions **(DPP)**, and other competent authorities.

1.3 This Direction is issued to demonstrate the Judiciary's commitment to the Financial Action Task Force **(FATF)** standards and to the effectiveness criteria under Immediate Outcomes 2, 6, 7, 8, 9, 10 and 11.

2. Scope

2.1 This Practice Direction applies to all proceedings in which:

a) an offence of money laundering under the Proceeds of Crime Act 1997 **(POCA)** is charged;
b) an offence of terrorist financing under the Anti-Terrorism (Financial and Other Measures) Act 2004 **(ATFOMA)** is charged;
c) a predicate offence is charged and the alleged conduct includes a material ML/TF element;
d) any application is made under POCA, ATFOMA or related legislation for:
   i. restraint orders;
   ii. property detention orders;
   iii. freezing orders;
   iv. search warrants;
   v. production orders;
   vi. customer information orders;
   vii. account monitoring orders;
   viii. confiscation orders;
   ix. forfeiture orders;
   x. civil recovery of the proceeds of crime.
e) any international cooperation request is before the Court, including Mutual Legal Assistance requests, extradition requests, and recognition or enforcement of foreign restraint, forfeiture or confiscation orders.

3. Priority Listing and Scheduling

3.1 All matters falling within the scope of paragraph 2 shall be treated as **priority cases** and shall be listed, case-managed, and determined expeditiously.

3.2 In determining priority, the Court shall have regard to:

a) the level of ML/TF risk associated with the alleged conduct;
b) the value of assets involved;
c) the presence of cross-border or international elements;
d) any links to organised crime, terrorism, or national security concerns;
e) whether the matter forms part of a broader or multi-agency investigation;
f) whether there is a risk of dissipation of assets and the need to avoid such dissipation of assets.
g) the rights of third parties who may have acquired interests in the criminal property.

3.3 Applications for restraint, freezing, or other urgent POCA or ATFOMA orders shall be dealt with on the papers where appropriate, and otherwise shall be listed as soon as reasonably practicable as *ex parte* hearings, where appropriate.

3.4 Adjournments shall not be granted unless strictly necessary, and reasons shall be recorded. When a decision is made to adjourn a relevant hearing, the Court shall actively consider whether it should, in the interim, exercise any of its suspensory powers (such as those to make or vary a restraint or freezing order) and may invite submissions from the parties, whether or not such an application is made.

4. Early Case Management

4.1 All matters falling within the scope of paragraph 2 shall be subject to early case management, including:

a) identification of issues;
b) confirmation of disclosure obligations;
c) scheduling of hearings;
d) timelines for filing of affidavits and submissions;
e) identification of any international cooperation requirements.
f) identification of any third-party interests.

4.2 Judges shall ensure that ML/TF and other cases falling within scope of paragraph 2 progress without undue delay and that the timetable reflects the public interest in timely adjudication.

5. Investigative Orders and Financial Intelligence

5.1 In accordance with FATF Immediate Outcome 6, the Court shall give due consideration to applications for investigative orders based on financial intelligence, including:

a) production orders,
b) customer information orders,
c) account monitoring orders,
d) search and seizure warrants.

5.2 The Court shall recognise the importance of evidence developed from financial intelligence in investigations into ML/TF and predicate offences, as well as in relation to forfeiture, civil recovery and confiscation matters, and shall ensure that applications touching and concerning such matters are determined promptly.

6. International Cooperation

6.1 In accordance with Immediate Outcome 2, the Court shall ensure that:

a) Mutual Legal Assistance requests are processed;
b) extradition matters are given priority listing;
c) foreign restraint, forfeiture and confiscation orders are considered;
d) the Court does not impose unnecessary procedural barriers to international cooperation.

7. Forfeiture, Confiscation and Asset Recovery

7.1 In accordance with Immediate Outcome 8, the Court shall treat forfeiture, confiscation and asset recovery applications and deliberations as a priority public-interest function.

7.2 Applications for restraint, freezing, property detention, confiscation, forfeiture, and civil recovery shall be listed and determined swiftly, particularly where delay may risk dissipation of assets.

7.3 Applications to prevent or void actions where an order for restraint is breached shall be listed and determined swiftly.

7.4 Judges shall ensure that confiscation and civil recovery orders are effective and proportionate, and that enforcement is not delayed.

7.5 Judges shall ensure that confiscated property (value of criminal property or property of corresponding value) is restituted to or otherwise used to compensate victims.

8. Monitoring and Review

8.1 The Registrar of the Supreme Court and the Senior Magistrate, as appropriate, shall maintain records of:

a) time to first hearing;
b) adjournment frequency;
c) time to determination of restraint, freezing, forfeiture, civil recovery and confiscation applications;
d) time to judgment in ML/TF matters, and in forfeiture, civil recovery and confiscation cases.

8.2 The Chief Justice may require periodic reports from the Registrar and the Senior Magistrate for the purpose of national AML/ATF coordination and FATF assessment.

9. Commencement

9.1 This Practice Direction comes into force on **21 August 2026**.

Dated the **21st** day of **August 2026**

THE SEAL OF THE SUPREME COURT OF BERMUDA

LARRY D. MUSSENDEN
CHIEF JUSTICE

cc: The Attorney-General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates Court
Bermuda Bar Association
Legal Aid Office